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via FOIA Online & e-mail
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October 2, 2015

Mr. Larry Gottesman
National Freedom of Information Officer
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW (2822T)
Washington, D.C. 20460

Re: Freedom of Information Act Request

Dear Mr. Gottesman:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and relevant U.S. Environmental Protection Agency ("EPA") regulations set forth in 40 C.F.R. Part 2, subpart A, I am writing on behalf of my client, Christina D. Storz, to request the following documents¹ from

¹ For purposes of this request, the term "documents" means any and all material that is written, printed, typed, photographed, recorded (electrically, electronically, magnetically, graphically or otherwise) or which is capable of being recorded or reproduced in any form. The term includes, but is not limited to, paper, books, records, letters, photographs, tangible things, correspondence, communications, telegrams, cables, telex messages, facsimile, memoranda, electronic mail (e-mail), accounting records, computerized air dispersion models and air dispersion modeling runs/results, filings with or by governmental authorities, notes, notations, work papers, time cards, time sheets, payroll sheets, payroll cards, payroll stubs, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, analyzes, evaluations, contracts, agreements, agenda, bulletins, notices, announcements, advertisements, instructions, charts, annuals, brochures, publications, schedules, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, electronic spreadsheets, microfilm, books of accounts, all records kept by electronic, photographic or mechanical means, any notes or drafts relating to the foregoing, and all things similar to any of the foregoing however denominated. The term "documents" includes the original, any copies thereof which differ in any manner whatsoever from the original and all drafts thereof. It refers to documents of which you have knowledge, and

EPA.²

Requested Documents

1. All correspondence, data and documents related in any manner to the EPA's September 18, 2015 Clean Air Act Notice of Violation ("2015 NOV") issued to Volkswagen AG, Audi AG, and Volkswagen Group of America (collectively referred to herein as "VW"),³ which alleged violations of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7401-7671q (and related implementing regulations) and § 7522(a)(I) stemming from the alleged installation of "defeat devices" in VW automobiles, which is prohibited under the Clean Air Act. *See generally* 40 C.F.R. § 86.1803-01.
2. All formal and informal requests for information, data or documents submitted by EPA, the California Environmental Protection Agency's Air Resources Board ("CARB"), the International Council for Clean Transportation ("ICCT"), West Virginia University's Center for Alternative Fuels, Engines & Emissions ("WVU") and/or any other governmental entity, private entity or person, whether located inside or outside of the United States, to VW relating in any manner to the issues addressed in the 2015 NOV, including, without limitation, any EPA requests for information relating to computer software and electronic data, engineering and design information, and emissions testing data and information concerning any VW vehicles.
3. All formal and informal requests for information, data or documents submitted by EPA, CARB, ICCT, WVU, and/or any other governmental entity, private entity or person to any person or entity other than VW, including, without limitation, any governmental agency, company, corporation, trade association, foreign

to documents which are in the possession of you or your agents or otherwise under your custody or control.

² For purposes of the FOIA request, the term "EPA" includes any EPA officials, employees, consultants, or agents and any of EPA's offices, including, without limitation, EPA Headquarters, EPA's Office of Transportation and Air Quality ("EOTAQ"), any EPA Regional office, and EPA's National Vehicle and Fuel Emissions Laboratory ("NVFEL").

³ For the purposes of this FOIA, the term "VW" includes Volkswagen AG, Audi AG, and Volkswagen Group of America and any of those respective companies' officials, employees, consultants, or agents and any subsidiaries or other entities owned or controlled by those companies.

government, and/or foreign governmental agency, which relate in any manner to the issues addressed in the 2015 NOV.

4. All responses provided by VW to any formal or informal EPA request for information relating in any manner to the issues addressed in the 2015 NOV, including, without limitation, all correspondence, communications, e-mails or any other exchanges of data, documents, and information in any form received by EPA from VW.
5. All responses provided by VW to any formal and informal requests for information submitted by any governmental entity, private entity or person other than EPA relating in any manner to the issues addressed in the 2015 NOV, including, without limitation, all correspondence, communications, e-mails or any other exchanges of data, documents, and information in any form.
6. All responses provided by any governmental entity, private entity or person other than VW, including, without limitation, any governmental agency, company, corporation, trade association, foreign government, and/or foreign governmental agency, to any formal and informal requests for information submitted by EPA relating in any manner to the issues addressed in the 2015 NOV, including, without limitation, all correspondence, communications, e-mails or any other exchanges of data, documents, and information in any form.
7. All responses provided by any governmental entity, private entity or person other than VW, including, without limitation, any governmental agency, company, corporation, trade association, foreign government, and/or foreign governmental agency, to any formal and informal requests for information submitted by any other governmental entity, private entity or person other than EPA relating in any manner to the issues addressed in the 2015 NOV, including, without limitation, all correspondence, communications, e-mails or any other exchanges of data, documents, and information in any form.
8. All communications or exchanges of data, documents, and information between EPA and VW related in any manner to the issues addressed in the 2015 NOV, including, without limitation, any correspondence or documents where VW representatives admitted to installing "defeat devices" in some of its vehicles or denying the same.
9. All communications, correspondence, or exchanges of data, documents and information between EPA and any other governmental entity, private entity or person, including, without limitation, CARB, ICCT, WVU, any other

governmental agency, company, corporation, trade association, foreign government, and/or foreign governmental agency, related in any manner to the issues addressed in the 2015 NOV.

10. Any all of correspondence, data and documents reflecting, describing or containing the VW software and/or codes included in the electronic control modules ("ECMs") for the VW vehicles or engines subject to the 2015 NOV which assisted in any manner in enabling the engines in question to activate auxiliary emission control devices ("AECDs") that were used to bypass, defeat, and/or otherwise render inoperative elements of the subject vehicles' design related to compliance with the applicable CAA federal emission standards.
11. All correspondence, data and documents which relate in any manner to any engineering analysis, software analysis, emissions testing or reliability testing performed by VW on any VW vehicles or engines subject to the 2015 NOV.
12. All correspondence, data and documents which relate in any manner to any engineering analysis, software analysis, emissions testing or reliability testing performed by ICCT and/or WVU on any VW vehicles or engines subject to the 2015 NOV, including, without limitation, all documents, data, analysis, evaluations and communications associated with any testing and all documents and communications that relate in any manner to the suspicion that VW had installed "defeat devices" in some or all of its vehicles.
13. All correspondence, data and documents which relate in any manner to any engineering analysis, software analysis, emissions testing or reliability testing performed by EPA or its agents on any VW vehicles or engines subject to the 2015 NOV, including, without limitation, and all documents, communications or evaluations that relate in any manner to the suspicion that VW had installed "defeat devices" in some or all of its vehicles.
14. All correspondence, data and documents which relate in any manner to any emission estimates or calculations of emissions performed by EPA relating to any VW vehicles or engines subject to the 2015 NOV, including, without limitation, all documents, data, analyses, evaluations and communications associated with any such estimates or calculations, and all documents, communications or evaluations that relate in any manner to the suspicion that VW had installed "defeat devices" in some or all of its vehicles.
15. All correspondence, data and documents which relate in any manner to any engineering analysis, software analysis, emissions testing or reliability testing

performed by CARB or any related California governmental agency or entity on VW vehicles or engines subject to the 2015 NOV, including, without limitation, and all documents, communications or evaluations that relate in any manner to the suspicion that VW had installed “defeat devices” in some or all of its vehicles.

16. All correspondence, data and documents which relate in any manner to any emission estimates or calculations of emissions performed by CARB or any related California governmental agency or entity on any VW vehicles or engines subject to the 2015 NOV, including, without limitation, all documents, data, analyses, evaluations and communications associated with any such estimates or calculations, and all documents, communications or evaluations that relate in any manner to the suspicion that VW had installed “defeat devices” in some or all of its vehicles.
17. All correspondence, data and documents which relate in any manner to any engineering analysis, emissions testing, emissions calculations, or reliability testing performed by any governmental entity, private entity or person other than EPA, CARB, ICCT and/or WVU on VW vehicles or engines subject to the 2015 NOV, including, without limitation, and all documents, communications or evaluations that relate in any manner to the suspicion that VW had installed “defeat devices” in some or all of its vehicles.
18. All correspondence, data and documents which relate in any manner to any assessment, estimate or analysis of the actual or potential environmental or human health impacts in the United States from the emissions from VW vehicles or engines subject to the 2015 NOV.
19. All correspondence, data and documents related to settlement agreements and/or consent decrees previously entered into between the United States and/or EPA and VW which were related in any manner to the installation of alleged “defeat devices” in VW vehicles, including, without limitation, all pleadings and correspondence regarding the same.
20. All applications, records and all other documentation submitted by VW to EPA in support of its efforts to obtain or maintain any Certificates of Conformity (“COC”) for the vehicle models and years listed in the chart below, along with all related correspondence, communications and ancillary and/or supplemental documentation, including, without limitation, all associated engineering analyses, software analyses, emissions testing or reliability testing performed by VW.

Model Year	Make and Model
2009	VW Jetta, VW Jetta Sportwagen
2010	VW Jetta, VW Jetta Sportwagen
2011	VW Golf, VW Jetta, VW Jetta Sportwagen, Audi A3
2012	VW Beetle, VW Beetle Convertible, VW Golf, VW Jetta, VW Jetta Sportwagen, Audi A3, VW Passat
2013	VW Beetle, VW Beetle Convertible, VW Golf, VW Jetta, VW Jetta Sportwagen, Audi A3, VW Passat
2014	VW Beetle, VW Beetle Convertible, VW Golf, VW Jetta, VW Jetta Sportwagen, Audi A3, VW Passat
2015	VW Beetle, VW Beetle Convertible, VW Golf, VW Jetta, VW Jetta Sportwagen, Audi A3, VW Passat

21. All applications, records and all other documentation submitted by VW to CARB in support of its efforts to obtain or maintain any certification or Executive Order from CARB for the vehicle models and years listed in the chart set forth at ¶19 above, along with all related correspondence, communications and ancillary and/or supplemental documentation, including, without limitation, all associated engineering analyses, software analyses, emissions testing or reliability testing performed by VW.
22. All correspondence, data and documents which relate in any manner to VW's efforts to remedy any excess emission issues related to the 2015 NOV, including, without limitation, all documents related to VW's voluntary recall initiated in approximately December of 2014, the measures proposed or taken by VW to address the excess emissions issues identified in the 2015 NOV (or actual or anticipated performance and reliability problems associated with any VW remedial measures), and any associated testing, analysis or data

To the extent that it is feasible to do so, please provide electronic copies of the documents requested above in order to minimize the expense and burden of copying.

Exempt Records


The President of the United States and the Attorney General have issued memoranda to all agencies emphasizing that the FOIA reflects a “profound national commitment to ensuring an open Government” and directing agencies to “adopt a presumption in favor of disclosure.” The President has instructed agencies to respond to requests “promptly and in a spirit of cooperation.” Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act, 74 Fed. Reg. 4683 (Jan. 21, 2009). The President also called for federal executive departments and agencies to administer the FOIA so as to achieve an unprecedented level of openness and transparency in the work of the Executive Branch, stating that agencies should administer the FOIA with a presumption that openness prevails. *Id.*

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information for my client to appeal the denial. To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for denial, including the identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions and provide the remainder of the record to my office at the address listed above.

Sincerely,


William J. Moore, III

cc: Ms. Christina D. Storz